## **REMARKS**

Claims 2-5 remain pending in the present application. Claim 1 has been cancelled without predjudice or disclaimer. New claims 6-9 have been added by this amendment for consideration by the Examiner.

In the Office Action mailed June 14, 2004, the Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Eriksson et al. (U.S. Patent 5,537,097) in view of Willard et al. (U.S. Patent 5,686,898). While not necessarily acquiescing to the aforementioned art rejection as set forth by the Examiner, and to advance the prosecution of this case, Applicants have cancelled claim 1 without prejudice and disclaimer.

The Examiner further rejected claims 1-5 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 8, and 9 of U.S. Patent 6,157,815. Applicants submit herewith a Terminal Disclaimer thereby obviousness-type double patenting rejection set forth by the Examiner.

Attorney Docket No.: PA170AC

Customer No.: 23696

## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: November 15, 2004

George J. Oehling, Reg. No. 40,471

(858) 658-1761

QUALCOMM Incorporated 5775 Morehouse Drive San Diego, California 92121 Telephone: (858) 658-5787

Facsimile:

(858) 658-2502